

Pro Se I (Rev. 09/16) Complaint for a Civil Case

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UNITED STATES DISTRICT COURT

2022 NOV 16 AM 11:58

for the

District of Massachusetts

U.S. DISTRICT COURT
DISTRICT OF MASS.

Robert Carp & Douglas Carp

Case No. _____

(to be filled in by the Clerk's Office)

Plaintiff(s)

(Write the full name of each plaintiff who is filing this complaint. If the names of all the plaintiffs cannot fit in the space above, please write "see attached" in the space and attach an additional page with the full list of names.)

-v-

John Sahagian
Grace Sahagian
NEAMAT, LLCBARE NAKED GREENS, LLCDefendant(s)

(Write the full name of each defendant who is being sued. If the names of all the defendants cannot fit in the space above, please write "see attached" in the space and attach an additional page with the full list of names.)

Jury Trial: (check one) ☒ Yes ☐ No

COMPLAINT FOR A CIVIL CASE

I. The Parties to This Complaint

A. The Plaintiff(s)

Provide the information below for each plaintiff named in the complaint. Attach additional pages if needed.

Name	Robert Carp and Douglas Carp
Street Address	21 Eastern Point Road
City and County	Gloucester Essex County
State and Zip Code	Massachusetts 01930
Telephone Number	213-533-0053
E-mail Address	rcarp@post.harvard.edu and douglas.carp1@gmail.com

B. The Defendant(s)

Provide the information below for each defendant named in the complaint, whether the defendant is an individual, a government agency, an organization, or a corporation. For an individual defendant, include the person's job or title (if known). Attach additional pages if needed.

Defendant No. 1

Name	<u>John Sahagian</u>
Job or Title <i>(if known)</i>	<u>Manager</u>
Street Address	<u>248 South Pier Road</u>
City and County	<u>Narragansett Washington County</u>
State and Zip Code	<u>Rhode Island 02882</u>
Telephone Number	<u>401-743-0111</u>
E-mail Address <i>(if known)</i>	<u>jsahagian@cox.net</u>

Defendant No. 2

Name	<u>Grace Sahagian</u>
Job or Title <i>(if known)</i>	<u>Manager</u>
Street Address	<u>248 South Pier Road</u>
City and County	<u>Narragansett Washington County</u>
State and Zip Code	<u>Rhode Island 02882</u>
Telephone Number	<u>401-743-0111</u>
E-mail Address <i>(if known)</i>	<u></u>

Defendant No. 3

Name	<u>Bare Naked Greens, LLC</u>
Job or Title <i>(if known)</i>	<u></u>
Street Address	<u>290 Millville Road</u>
City and County	<u>Uxbridge Worcester</u>
State and Zip Code	<u>Massachusetts 01569</u>
Telephone Number	<u>401-743-0111</u>
E-mail Address <i>(if known)</i>	<u>jsahagian@cox.net</u>

Defendant No. 4

Name	<u>NEAMAT, LLC</u>
Job or Title <i>(if known)</i>	<u></u>
Street Address	<u>290 Millville Road</u>
City and County	<u>Uxbridge Worcester</u>
State and Zip Code	<u>Massachusetts 01569</u>
Telephone Number	<u>401-743-0111</u>
E-mail Address <i>(if known)</i>	<u>jsahagian@cox.net</u>

II. Basis for Jurisdiction

Federal courts are courts of limited jurisdiction (limited power). Generally, only two types of cases can be heard in federal court: cases involving a federal question and cases involving diversity of citizenship of the parties. Under 28 U.S.C. § 1331, a case arising under the United States Constitution or federal laws or treaties is a federal question case. Under 28 U.S.C. § 1332, a case in which a citizen of one State sues a citizen of another State or nation and the amount at stake is more than \$75,000 is a diversity of citizenship case. In a diversity of citizenship case, no defendant may be a citizen of the same State as any plaintiff.

What is the basis for federal court jurisdiction? *(check all that apply)*



Federal question



Diversity of citizenship

Fill out the paragraphs in this section that apply to this case.

A. If the Basis for Jurisdiction Is a Federal Question

List the specific federal statutes, federal treaties, and/or provisions of the United States Constitution that are at issue in this case.

17 U.S.C. § 501

28 U.S.C. §§ 1338(a)

28 U.S.C. § 1391(b)

28 U.S.C. § 1400(b)

B. If the Basis for Jurisdiction Is Diversity of Citizenship**1. The Plaintiff(s)****a. If the plaintiff is an individual**

The plaintiff, *(name)* _____, is a citizen of the
State of *(name)* _____.

b. If the plaintiff is a corporation

The plaintiff, *(name)* _____, is incorporated
under the laws of the State of *(name)* _____,
and has its principal place of business in the State of *(name)* _____.

(If more than one plaintiff is named in the complaint, attach an additional page providing the same information for each additional plaintiff.)

2. The Defendant(s)**a. If the defendant is an individual**

The defendant, *(name)* _____, is a citizen of
the State of *(name)* _____. Or is a citizen of
(foreign nation) _____.

b. If the defendant is a corporation

The defendant, *(name)* _____, is incorporated under the laws of the State of *(name)* _____, and has its principal place of business in the State of *(name)* _____.

Or is incorporated under the laws of *(foreign nation)* _____, and has its principal place of business in *(name)* _____.

(If more than one defendant is named in the complaint, attach an additional page providing the same information for each additional defendant.)

3. The Amount in Controversy

The amount in controversy-the amount the plaintiff claims the defendant owes or the amount at stake-is more than \$75,000, not counting interest and costs of court, because *(explain)*:

The amount in controversy will be decided at trial. The Plaintiff claims because of the copyrighted material was made public, it has created damages in excess of \$300,000. The amount will be determined during discovery.

III. Statement of Claim

Write a short and plain statement of the claim. Do not make legal arguments. State as briefly as possible the facts showing that each plaintiff is entitled to the damages or other relief sought. State how each defendant was involved and what each defendant did that caused the plaintiff harm or violated the plaintiff's rights, including the dates and places of that involvement or conduct. If more than one claim is asserted, number each claim and write a short and plain statement of each claim in a separate paragraph. Attach additional pages if needed.

Robert and Douglas Carp published "Standard Operating Procedures for Cannabis Cultivation Facilities" on January 1, 2018, with subsequent ISBN registration 978-1-513635590 and Copyright Service Request 1-11844454091. The Defendants copied the material for their two applications to the Massachusetts Cannabis Control Commission without the authors' consent, which made the material public and lost sales due to its visibility on the Commission's web site. The four Defendants, Neamat LLC, Bare Naked Greens, and John and Grace Sahagian were granted operating license MP281761 and operating license MP282004 based on their submission of the copywritten material.

IV. Relief

State briefly and precisely what damages or other relief the plaintiff asks the court to order. Do not make legal arguments. Include any basis for claiming that the wrongs alleged are continuing at the present time. Include the amounts of any actual damages claimed for the acts alleged and the basis for these amounts. Include any punitive or exemplary damages claimed, the amounts, and the reasons you claim you are entitled to actual or punitive money damages.

The Plaintiffs are seeking damages for the unauthorized use of the material, loss revenue for its publishing on the public website controlled by the commission, the fees that would have been generated if they had prepared the application, loss of sales of the book on Amazon and their website, and their continued use of the procedures in their operation. The authors are known throughout the US for their multiple publications on cannabis operations, and this has damaged their sales. The damages will be calculated during discovery and trial.

V. Certification and Closing

Under Federal Rule of Civil Procedure 11, by signing below, I certify to the best of my knowledge, information, and belief that this complaint: (1) is not being presented for an improper purpose, such as to harass, cause unnecessary delay, or needlessly increase the cost of litigation; (2) is supported by existing law or by a nonfrivolous argument for extending, modifying, or reversing existing law; (3) the factual contentions have evidentiary support or, if specifically so identified, will likely have evidentiary support after a reasonable opportunity for further investigation or discovery; and (4) the complaint otherwise complies with the requirements of Rule 11.

A. For Parties Without an Attorney

I agree to provide the Clerk's Office with any changes to my address where case-related papers may be served. I understand that my failure to keep a current address on file with the Clerk's Office may result in the dismissal of my case.

Date of signing: 11/15/2022

Signature of Plaintiff

Printed Name of Plaintiff

Robert Carp and Douglas Carp

B. For AttorneysDate of signing:

Signature of Attorney

Printed Name of Attorney

Bar Number

Name of Law Firm

Street Address

State and Zip Code

Telephone Number

E-mail Address

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IN CLERKS OFFICE

**IN THE UNITED STATE DISTRICT COURT
FOR THE DISTRICT OF MASSACHUSETTS** 2022 NOV 16 AM 11: 58

U.S. DISTRICT COURT
DISTRICT OF MASS.

DOUGLAS CARP,
ROBERT CARP

Plaintiffs

v.

NEAMAT, LLC
BARE NAKED GREENS, LLC.
JOHN SAHAGIAN
GRACE SAHAGIAN

Defendants

CASE NO.:

COMPLAINT FOR DAMAGES AND
INJUNCTIVE RELIEF FOR
COPYRIGHT INFRINGEMENT

DEMAND FOR JURY TRIAL

SUMMARY OF THE ACTION

1. This is an action by Robert and Douglas Carp, both Massachusetts residents, to recover damages arising from the infringement of their copyrighted work by Defendants Neamat, LLC, Bare Naked Greens, LLC, John Sahagian, and Grace Sahagian. The action also asks the court to enjoin the Defendants from future infringement. The Defendants reproduced, distributed and publicly displayed through their application for a cannabis cultivation license copywritten material published by the Carps in 2018.

JURISDICTION AND VENUE

2. The court has original jurisdiction of this action under 17 U.S.C. § 501, et seq., and 28 U.S.C. §§ 1338(a).
3. Venue in this district is proper under 28 U.S.C. § 1391(b) in that a substantial part of the events giving rise to the within claims occurred in this judicial district, and under 28 U.S.C. § 1400(b) in that it is a judicial district where defendant has committed acts of copyright infringement and has multiple established places of business.

THE PARTIES

4. Plaintiffs Robert Carp and Douglas Carp are respectively writers and researchers residing and working in Gloucester, Massachusetts and Boston, Massachusetts.
5. Defendant NEAMAT, LLC is a limited liability corporation organized under the laws of Massachusetts with its principal place of business at 290 Millville Road, Uxbridge, Massachusetts, 01569.
6. Defendant BARE NAKED GREENS, LLC is a limited liability corporation organized under the laws of Massachusetts with its principal place of business at 290 Millville Road, Uxbridge, Massachusetts, 01569.
7. Defendant JOHN SAHAGIAN is a manager and stockholder of both NEAMAT, LLC AND BARE NAKED GREENS, LLC with a residential address of 248 South Pier Road, Narragansett, Rhode Island, 02882.
8. Defendant GRACE SAHAGIAN is a manager and stockholder of both NEAMAT, LLC AND BARE NAKED GREENS, LLC with a residential address of 248 South Pier Road, Narragansett, Rhode Island, 02882.

FACTUAL BACKGROUND

9. On January 1, 2018, the plaintiffs commercially released their book, "Standard Operating Procedures for Cannabis Cultivation Facilities" on Amazon and on their website, www.marijuanabusinessoperations.com. The book is 454 pages long, and consists of formatted operating procedures for the cultivation of cannabis that will comply with all state regulations where marijuana is legal. The book was given the international access code ISBN 978-1-513635590 previous to its commercial release in 2018. The book is also provided with a flash drive to allow purchasers to customize headings for their particular operating entity.
10. On or about June 4, 2021 the Massachusetts Cannabis Control Commission issued Bare Naked Greens, LLC operating license MP281761 for the cultivation of cannabis at 290 Millville Road, Uxbridge, Massachusetts, 01569.
11. The Cannabis Control Commission posted the application and its contents on its website, https://masscannabiscontrol.com/wp-content/uploads/2021/10/MP281761_Bare-Naked-Greens-LLC.pdf.
12. The "Policies and Procedures Documentation" section of their application listed the standard operating procedures submitted by the Sahagians and Bare Naked Greens, LLC which included the following separate files which were copied without changes from the "Standard Operating

Procedures for Cannabis Cultivation Facilities" and submitted to the Cannabis Control Commission as their own work:

SOP RESTRICTING ACCESS TO AGE 21 AND OLDER.pdf
SOP SECURITY POLICY AND PROCEDURES.pdf
SOP ANTI-DIVERSION POLICIES.pdf
SOP STORAGE PROCEDURES.pdf
SOP TRANSPORTATION MANIFEST AND SECURITY.pdf
SOP INVENTORY PROCEDURES.pdf
SOP QUALITY CONTROL.pdf
SOP HIRING PROCEDURES & STANDARDS.pdf
SOP RECORD KEEPING PROCEDURES.pdf
SOP MAINTAINING OF FINANCIAL RECORDS.pdf
SOP QUALIFICATIONS AND TRAINING.pdf
SOP PRODUCTION METHODS.pdf

In addition to the files submitted above, the following standard operating procedures were submitted as part of the application:

SOP QUALITY CONTROL
SOP TESTS ON FORMULATED PRODUCTS
SOP TESTS ON HARVESTED FLOWER
SOP STABILITY TESTING
SOP TESTING
SOP WATER SUPPLY AND TESTING PROTOCOLS
SOP PESTICIDE TESTING
SOP PERSONNEL FILES
SOP RECORD RETENTION POLICY
SOP CPR TRAINING
SOP TRAINING PROTOCOLS AND PROCEDURES
SOP EMPLOYEE SAFETY TRAINING
SOP EMPLOYEE TRAINING

13. All of these files were uploaded on March 17, 2020 as published by the Cannabis Control Commission except for the SOP PRODUCTION METHODS.pdf, which was submitted on April 3, 2020. The defendants had the right to ask for the standard operating procedures to be redacted, but they were not, and are available on the Cannabis Control Commission's web site as part of the application available to the public. This exposure has caused the demand and sales of the Carp's SOP's to diminish dramatically.

14. The book, "Standard Operating Procedures for Cannabis Cultivation Facilities" states on its first page "ALL RIGHTS RESERVED", and "COPYING THIS DOCUMENT IS STRICTLY

PROHIBITED AND WILL RESULT IN PROSECUTION TO THE FULLEST EXTENT OF THE LAW."

15. Copyright documentation was provided to the U.S. Copyright Office under service request 1-11844454091.

16. On or about October 21, 2021 the Massachusetts Cannabis Control Commission issued NEAMAT, LLC operating license MP282004 for the manufacturing of cannabis products at 290 Millville Road, Uxbridge, Massachusetts, 01569.

17. The Cannabis Control Commission posted the application and its contents on its website, https://masscannabiscontrol.com/wp-content/uploads/2021/12/MP282004_Neamat-LLC.pdf

18. The "Policies and Procedures Documentation" section of their application listed the standard operating procedures submitted by the Sahagians and Neamat, LLC which included the following separate files:

SOP PRODUCTION METHODS.pdf
SOP RESTRICTING ACCESS TO AGE 21 AND OLDER.pdf
SOP SECURITY POLICY AND PROCEDURES.pdf
SOP ANTI-DIVERSION POLICIES.pdf
SOP STORAGE PROCEDURES.pdf
SOP TRANSPORTATION MANIFEST AND SECURITY.pdf
SOP INVENTORY PROCEDURES.pdf
SOP QUALITY CONTROL.pdf
SOP HIRING PROCEDURES & STANDARDS.pdf
SOP RECORD KEEPING PROCEDURES.pdf
SOP MAINTAINING OF FINANCIAL RECORDS.pdf
SOP QUALIFICATIONS AND TRAINING.pdf

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SOP PERSONNEL FILES
SOP RECORD RETENTION POLICY
SOP CPR TRAINING
SOP TRAINING PROTOCOLS AND RECORDS
SOP EMPLOYEE SAFETY TRAINING
SOP EMPLOYEE TRAINING

19. Except for minor changes and adding specific sections of Massachusetts' cannabis regulations promulgated under 935 CMR 500 et seq, the SOPs submitted to the Cannabis Control Commission are identical word for word to the "Standard Operating Procedures for Cannabis Cultivation Facilities".

**COUNT 1 – COPYRIGHT INFRINGEMENT
(All Defendants)**

20. Plaintiffs repeats and realleges the averments contained in paragraphs 1-19 as though fully set forth herein.

21. The above described conduct by Defendants constitutes willful copyright infringement under the Copyright Act.

22. As a result of the above described conduct by Defendants, Plaintiffs have been damaged in amount to be proven at trial.

23. The Plaintiffs are entitled to recover from Defendants statutory damages up to \$150,000 per copyrighted document/SOP infringed for Defendants willful copyright infringement, plus attorneys' fees.

PRAYER FOR RELIEF

24. WHEREFORE, Robert and Douglas Carp respectfully requests that this Court enter judgment for them and against Defendants as follows:

1. An adjudication that Defendants have infringed the copyright of Standard Operating Procedures for Cannabis Cultivation Facilities;
2. An award of damages to be paid by Defendants adequate to compensate the Plaintiffs for Defendants' past infringement of the above copywritten documents, loss of sales to due to the publication, loss of fees that would be generated by the Carp's for the commercial preparation of the applications, and any continuing or future infringement through the date such judgment is entered, including interest, costs, expenses and an accounting of all infringing acts including, but not limited to, those acts not presented at trial;
3. For an Order enjoining Defendants, their officers, agents, employees, and those acting in concert or conspiracy with them, temporarily during the pendency of this action and permanently thereafter from:

(a) infringing, or contributing to or participating in the infringement by others the copyright of "Standard Operating Procedures for Cannabis Cultivation Facilities" or acting in concert with, aiding and abetting others to infringe said copyright in any way;

(b) copying, duplicating, selling, licensing, displaying, distributing, or otherwise using without authorization copies of the "Standard Operating Procedures for Cannabis Cultivation Facilities" to which Plaintiff is owner of exclusive rights under the respective copyrights or derivative works based thereon;

4. That Defendants be required to account for and pay over Plaintiff the actual damages suffered by Plaintiff as a result of the infringement and any profits of the Defendants attributable to the infringement of Plaintiff's copyright or exclusive rights under copyright and to pay such damages to Plaintiff as to this Court shall appear just and proper within the provisions of the Copyright Act, or, in the alternative, at Plaintiff's election, statutory damages for infringement of each separate copyright as set forth in 17 U.S.C. § 504;

5. An order that Defendants pay an ongoing royalty in an amount to be determined for any continued infringement of the above copywritten material after the date judgment is entered;

6. For an award of costs under 17 U.S.C. §505 or as otherwise provided by law;

7. For an award of pre-judgment interest and post-judgment interest in the maximum amount permitted by law;

8. For such other and further relief as the Court deems just and proper.

Dated: November 16, 2022

Respectfully Submitted,

/s/Robert H. Carp

A handwritten signature in black ink, appearing to be 'Robert H. Carp', written over a horizontal line.

Email: rcarp@post.harvard.edu

Representing (pro se) Douglas and Robert Carp
21 Eastern Point Road
Gloucester, MA 01930
Phone: 213-533-0053